TSM-33



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

ATTN: Manager,

M. ICHIKAWA et al

Applications Branch

Serial No. 10/608,010

Filed: June 30, 2003

For: HOT STANDBY SERVER SYSTEM

TRANSMITTAL OF LATE DECLARATION

Commissioner for Patents Mail Stop Missing Parts Alexandria, VA 22313-1450

Sir:

Responsive to the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION - FILING DATE GRANTED mailed January 2, 2004, Applicants previously submitted the executed Declaration, along with the required surcharge as set forth in 37 CFR 1.16(e) on January 2, 2004. Enclosed is a copy of the Transmittal of Late Declaration, Declaration and Power of Attorney, and date stamped mailroom receipt.

As required, a copy of the NOTICE of January 2, 2004 is enclosed herewith.

Please charge any additional fees which may be required, or credit any overpayment to our Deposit Account No. 50-1417.

Respectfully submitted, __

John R. Mattindly Registration No. 30,293

Attorney for Applicant(s)

MATTINGLY, STANGER & MALUR 1800 Diagonal Rd., Suite 370 Alexandria, Virginia 22314 (703) 684-1120

Date: March 2, 2004

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Declaration and Power of Attorney for Patent Application

特許出願宣言書及び委任状

Japanese Language Declaration

日本語宜言書

私は、以下に記名された発明者として、ここに下記の通り宣言する :	As a below named inventor, I hereby declare that:
私の住所、郵便の宛先そして国籍は、私の氏名の後に記載された通りである。	My residence, post office address and citizenship are as stated next to my name.
下記の名称の発明について、特許請求範囲に記載され、且つ特許が求められている発明主題に関して、私は、最初、最先且つ唯一の発明者である(唯一の氏名が記載されている場合)か、或いは最初、最先且つ共同発明者である(複数の氏名が記載されている場合)と信じている。	I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled
· · · · · · · · · · · · · · · · · · ·	HOT STANDBY SERVER SYSTEM
上記発明の明細書はここに添付されているが、下記の欄がチェックされている場合は、この限りでない : に日に出願され、 この出願の米国出願番号またはPCT国際出願番号は、 であり、且つ の日に補正された出願(該当する場合)	The specification of which is attached hereto unless the following box is checked: Was filed on
	(if applicable).
私は、上記の補正書によって補正された、特許請求範囲を含む上記明細書を検討し、且つ内容を理解していることをここに表明する。	I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.
私は、連邦規則法典第37編規則1.56に定義されている、特許性について重量な情報を開示する義務があることを認める。	l acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.
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Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the need of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner of Patents and Trademarks, Washington, DC

Japanese Language Declaration (日本語宣言書)

私は、ここに、以下に記載した外国での特許出願または発明者証の I hereby claim foreign priority under Title 35, United States Code,

5 編題365条(a)によるPC1 -(d)項又は第365条(b)項にま 優先権を主張する本出願の出願 特許出願または発明者証の出願	とも一国を指定している米国法典第3「国際出願について、同第119条(a) もづいて優先権を主張するとともに、 日よりも前の出願日を有する外国での 、或いはPCT国際出願については、 チェックすることにより示した。	or inventor's certificate, or 365(a which designated at least one co listed below and have also identi	· ·
Prior Foreign Application(s) 外国での先行出願			Priority Not Claimed 優先権主張なし
2002-266206 (Number) (番号)	(Country) (国名)	9/12/2002 (Day/Month/Year Fil (出願日/月/年)	ed)
(Number) (番号)	(Country) (国名)	(Day/Month/Year File (出願日/月/年)	ed)
私は、ここに、下記のいかな 国法典第35編119条(e)項の	る米国仮特許出願についても、その米 D利益を主張する。		Title 35, United States Code, Section risional application(s) listed below.
(Application No.) (出願番号)	(Filing Date) (出願日)	(Application No.) (出願番号)	(Filing Date) (出願日)
私は、ここに、下記のいかなる米国出願についても、その米国法典第35編第120条に基づく利益を主張し、又米国を指定するいかなるPCT国際出願についても、その同第365条(c)に基づく利益を主張する。また、本出願の各特許請求の範囲の主題が、米国法典第35編第112条第1段に規定された態様で、先行する米国出願又はPCT国際出願に開示されていない場合においては、その先行出願の出願日と本国内出願日またはPCT国際出願日との間の期間中に入手された情報で、連邦規則法典第37編規則1.56に定義された特許性に関わる重要な情報について開示義務があることを承認する。		I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of application.	
(Application No.) (出願番号)	(Filing Date) (出顧日)	(Status: Patented, Pendin (現况 : 特許許可、係	- ·
(Application No.) (出願番号)	(Filing Date) (出願日)	(Status: Patented, Pendin (現况 : 特許許可、係	-
且つ情報と信ずることに基づく	の知識に係わる陳述が真実であり、 陳述が、真実であると信じられること の陳述などを行った場合は、米国法典	I hereby declare that all stateme knowledge are true and that all s and belief are believed to be true	

第18編第1001条に基づき、罰金または拘禁、若しくはその両方 により処罰され、またそのような故意による虚偽の陳述は、本出願ま たはそれに対して発行されるいかなる特許も、その有効性に問題が生 ずることを理解した上で陳述が行われたことを、ここに宣言する。

were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Japanese Language Declaration (日本語宣言書)

委任状: 私は本出願を審査する手続を行い、且つ米国特許商標庁との全ての業務を遂行するために、記名された発明者として、下記の弁護士及び/または弁理士を任命する。 (氏名及び登録番号を記載すること)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (list name and registration number).

Donald R. Antonelli, Reg. No. 20,296; David T. Terry, Reg. No. 20,178; Melvin Kraus, Reg. No. 22,466; William I. Solomon, Reg. No. 28,565; Gregory E. Montone, Reg. No. 28,141; Ronald J. Shore, Reg. No. 28,577; Donald E. Stout, Reg. No. 26,422; Alan E. Schiavelli, Reg. No. 32,087; James N. Dresser, Reg. No. 22,973 and Carl I. Brundidge, Reg. No. 29,621

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すること)

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(第三以下の共同発明者についても同様に記載)	 	(Supply similar information and signature for third and subsequent

joint unventors.)

PTO/SB/106(5-00)

Approved for use through 10/31/02. OMB 0651-0032

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第三共同発明者がいる場合、その氏名		Full name of third joint inventor, if any	
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第三共同発明者の署名	日付	Third inventor's signature Date	
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第四共同発明者の署名	日付	Fourth inventor's signature Date	
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第六共同発明者の署名	日付	Sixth inventor's signature Date	
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国籍		Citizenship	
□ 7 p		•	
部体のなど		Japan Date of the Address	
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rsm₹

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In re Patent Application of

M. ICHIKAWA et al

Serial No. 10/608,010

Filed: June 30, 2003

For: HOT STANDBY SERVER SYSTEM

Papers Filed Herewith:

TRANSMITTAL OF LATE DECLARATION; Executed Declaration and Power of Attorney; and Credit Card Payment Form in the amount of \$130.00 in payment of Surcharge for Late Declaration.

Receipt is hereby acknowledged of the papers filed, as identified in connection with the above-identified patents application.

COMMISSIONER OF PATENTS AND TRADEMARKS

